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- (b) homogenizing said alloy at a temperature between to a temperature between about 855° and 880°F prior to extruding said alloy at a temperature within about 500° to about 750°F to form an extrusion;
- (c) solution heat treating said extrusion; and
- (d) quenching said extrusion before making a structural member therefrom.

Remarks

Reconsideration of the present application as it now stands amended is respectfully requested. The Office Action has been reviewed carefully. Claim 1 has been amended, and new claims 11 and 12 have been added. It is respectfully submitted that the Examiner's rejection of the claims be withdrawn and the application allowed.

Claims 1-10—35 U.S.C. §102(b)

Applicants respectfully submit that the rejection of claims 1-10 under 35 U.S.C. §102(b) as being anticipated by Karabin et al US Patent 5,865,914 ('914) be withdrawn.

Karabin et al ('914) discloses a method in which the homogenization is conducted at a higher temperature than the claimed invention. Karabin et al states at col. 5 lines 42-4:

The ingot may then be preheated to homogenize and solutionize its interior structure. A suitable preheat treatment is to heat the ingot to about 880° or 900° F. It is preferred that homogenization of this invention be conducted at cumulative hold times on the order of about 12 to 24 hours.

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Applicants' amended claim 1 recite a homogenization temperature of between about **855° and 880°F**. This homogenization temperature is not disclosed or suggested by Karabin et al.

It is respectfully submitted that the rejection of claims 1-10 be withdrawn in view of the amendment.

New Claims 11 and 12

New claims 11 has been added to define certain embodiments of Applicants invention. Support for new claim 11 can be found in claims 1 and 4. It is submitted that new claim 11 will not require a new search and that new claim 11 is allowable over the cited art.

Karabin et al states at col. 6, beginning at line 14 that after quenching, this product is both **cold worked and stretched** to develop adequate strength, relieve internal stresses and straighten the product.

In contrast, new claim 11 consists essentially of a method that does not include cold working after quenching. It is respectfully submitted that new claim 11 be allowed because it is not taught or suggested by the cite art.

New claim 12 is similar in scope to amended claim 1. It recites that the alloy has a combination of high strength and toughness. This combination is shown in Table 4 of the specification. It is respectfully submitted that new claim 11 be allowed because it is not taught or suggested by the cite art.

It is respectfully submitted that the present application is in condition for allowance. If the Examiner would like to suggest changes of a formal nature to place this

application in better condition for allowance, a telephone call to Applicants' undersigned attorney would be appreciated.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

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Marked Claims

1. A method of extruding structural members comprising:

(a) providing an alloy comprising:

about 3.6 to about 4.2 wt.% copper,

about 1.0 to about 1.6 wt.% magnesium,

about 0.3 to about 0.8 wt.% manganese,

about 0.05 to about 0.25% zirconium,

the balance substantially aluminum, incidental elements and impurities;

(b) homogenizing said alloy at a temperature between to a temperature between about 855° and 880°F prior to extruding said alloy at a temperature within about 500° to about 750°F to form an extrusion;

(c) solution heat treating said extrusion; and

(d) quenching said extrusion before making a structural member therefrom.